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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,414

03/14/2007

Frank J. Wurster

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AKERMAN SENTERFITT

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EXAMINER

SCHWARTZ, JORDAN MARC

ART UNIT

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,414	<b>Applicant(s)</b> WURSTER, FRANK J.	
	<b>Examiner</b> Jordan M. Schwartz	<b>Art Unit</b> 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/06</u> . | 6) <input type="checkbox"/> Other: ____.  |

## **DETAILED ACTION**

### ***Priority***

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in PCT/EP05/02149, filed on March 1, 2005.

### ***Specification***

The following guidelines illustrate the preferred layout and content for utility patent applications. These guidelines are suggested for the applicant's use. The following section headings are preferably used within the specification where appropriate and each of the numbered items should appear in upper case, without underline or bold type, as sections headings.

1. BACKGROUND OF THE INVENTION
2. SUMMARY OF THE INVENTION
3. BRIEF DESCRIPTION OF THE DRAWINGS
4. DETAILED DESCRIPTION OF THE PREFERRED EMBODIMENTS

### ***Claim Rejections - 35 USC § 112***

Claims 1-2, 5, 11, 13, and 19 (and their respective dependent claims) are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With respect to claim 1, lines 1-2, the claimed "An optical device for a photographic camera, such as a camera, cine or video camera, which is positioned"

Art Unit: 2873

renders the claim vague and indefinite. If the claimed “camera, cine or video camera” are intended as limitations then they need to be claimed with greater clarity and particularity such as “An optical device for a photographic camera, cine, or video camera which is positioned...”. If not intended as limitations (as is herein assumed for purposes of examination) then it is suggested that this language be deleted i.e. “An optical device for a photographic camera which is positioned...”.

With further reference to claim 1, the claimed “imaging optics with a transparent, light-diffusing imaging surface for rendering visible a real image” renders the claim vague and indefinite. Specifically, it is not clear if applicant is claiming that light rays can pass through the transparent surface and then can form the real image outside of the diffusing layer or if applicant is claiming that the real image is being formed on the diffusing layer. From what is set forth in the specification, such as paragraph 0025, the real image is apparently being formed on the diffusing surface. Specifically, paragraph 0025 states “There is a large format, real intermediate image of considerable brightness on the diffusing layer”. Additionally, claiming “rendering visible a real image of lens” creates a lack of clarity since it is an image of the object that has passed through the lens and not an image of the lens that is being formed. As a suggestion to overcome this rejection, applicant may want to claim “imaging optics with a transparent, light-diffusing imaging surface for rendering visible a real image onto said light-diffusing imaging surface” which is the assumed meaning for purposes of examination.

With further reference to claim 1, the claimed “half-power angle” renders the claim vague and indefinite. Specifically, it is not clear if applicant is using this term to

Art Unit: 2873

mean the "half angle of view" or if some other meaning is intended. In the specification, paragraph 0012, applicant defines the term "half-power angle" but the term is defined "in the case of a planar diffusing layer". However, applicant has not specifically claimed that the diffusing layer is planar. Therefore, if this surface is not planar it is not clear as to what is meant by the term "half-power angle" and as to how this term is defined rendering the claim vague and indefinite. For purposes of examination it is presumed that applicant intended to claim the diffusing layer as planar. Therefore, to overcome this rejection it is suggested that applicant claim in lines 10 and 12, "a planar diffusing layer".

With respect to claim 2, the claimed "particularly smaller than 22 degrees" renders the claim vague and indefinite. It is not clear if the limitation to be met is smaller than 25 degrees or smaller than 22 degrees. The assumed meaning is smaller than 25 degrees and if that is applicant's intended meaning then it is suggested that applicant delete ", particularly smaller than 22 degrees".

With respect to claim 5, the claimed "one of the support bodies" lacks an antecedent basis. It is not clear if text was inadvertently omitted from claim 5 which would have provided the antecedent basis or if the dependency is incorrect rendering the claim vague and indefinite. For purposes of examination it is presumed that claim 5 was intended to depend from claim 4.

With respect to claim 11, the claimed "preferably 5% beeswax" renders the claim vague and indefinite. It is not clear if the limitation to be met is "approximately 2 to 60%" or "approximately 5%". The assumed meaning is "approximately 2 to 60%" and if that is

Art Unit: 2873

applicant's intended meaning then it is suggested that applicant delete “, preferably 5% beeswax”.

With respect to claim 13, the claimed “based on the size of the image recording device” renders the claim vague and indefinite. It is not clear as to what size would be needed for the transmission lens to be constructed as a telephoto lens. Additionally, the claimed “particularly in the medium telephoto focal length range” renders the claim vague and indefinite because it is not clear if the limitation to be met is “telephoto” or “medium telephoto”. For purposes of examination the assumed meaning is “Optical device according to claim 1, wherein the transmission lens is constructed as a telephoto lens”.

With respect to claim 19, the claimed “and in particular behind the field lens arrangement” renders the claim vague and indefinite. It is not clear if the limitation to be met is “behind the imaging lens arrangement” or “behind the field lens arrangement”. Additionally, the claimed “field lens arrangement lacks an antecedent basis since this has not been claimed in independent claim 1. The assumed meaning is “behind the imaging lens arrangement” and if that is applicant's intended meaning then it is suggested that applicant delete “and in particular behind the field lens arrangement”.

### ***Claim Objections***

Claim 1 is objected to because of the following informalities:

1. Claim 1, line 3, “lens (4)” should be corrected to “lens” to be consistent with the rest of the claim in which the numbers in parentheses have been deleted;
2. Claim 1, line 13, “or small” should be corrected to “or smaller”;

Appropriate correction is required.

Claim 1 is objected to for the following reason. Since the intended meaning could be determined from what is set forth in the specification and drawings, a 112 rejection was not made but instead this lack of clarity issue is being raised in the following objection.

With respect to claim 1, lines 7-8, the claimed “transmission optics with a transmission lens for imaging the real image of lens on image recording device” creates some lack of clarity. Specifically, it is an image of an object that has passed through the lens that is being imaged and not an image of the lens itself. As a suggestion, to overcome this objection, applicant may want to claim “transmission optics with a transmission lens for imaging the real image onto an image recording device”.

#### ***Prior Art Citations***

Nakamura patent number 4,013,347 and Tabata et al patent number 5,757,544 are being cited herein to show optical devices having some similar structure to that of the claimed invention.

#### ***Allowable Subject Matter***

Claim 1 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

Claims 2-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: none of the prior art either alone or in combination disclose or teach of the claimed combination of limitations to warrant a rejection under 35 USC 102 or 103. Specifically, with respect to independent claim 1, none of the prior art either alone or in combination disclose or teach of the claimed optical device specifically including, as the distinguishing feature in combination with the other limitations, the imaging optics with a transparent, light-diffusing imaging surface for rendering visible a real image onto said light-diffusing surface (the assumed meaning) and wherein the imaging optics are constituted by an imaging lens arrangement containing a planar diffusing layer (the assumed meaning) of a light-diffusing substance, together with a lens, which with an outwardly curved surface is in registry with the planar diffusing layer, the imaging lens arrangement having a half-power angle of equal to or smaller than 30 degrees and larger than 10 degrees.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jordan M. Schwartz whose telephone number is 571-272-2337. The examiner can normally be reached on Monday to Friday from 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on 571-272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2873

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jordan M. Schwartz  
Primary Examiner  
Art Unit 2873  
December 23, 2008

/Jordan M. Schwartz/  
Primary Examiner, Art Unit 2873